IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the November 16, 2005
Second Criminal Misc. Bail Application No.1049/2005
Order on the bail application of accused

CRIMINAL SIDE

Deepak Bisht
S/o Shri Prem Singh Bisht
R/o 3 village Dudhli
P.S. Mussoorie
District Dehradun ……Applicant

Versus

State of Uttaranchal …….Opposite Party

Arising out of case crime No.10 of 2005
U/s 376, 506 I.P.C. & 3(1) XI S.C. & S.T. Act
P.S. Mussoorie
District Dehradun

Hon'ble J. C. S. Rawat, J.

Heard Sri Sandeep Tandon learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. This is the second bail application. Vide order dated 18.06.2005 the first bail application was rejected on the ground that the applicant-accused had committed rape upon a minor girl. It was also found that the version of the prosecution has been supported by the statement of the victim recorded under section 161 & 164 Cr.P.C.

It has been alleged in the present bail application that the evidence of PW1-victim was recorded before the court and the victim had stated in her cross-examination that the applicant was not involved in the alleged crime. She has categorically denied that the applicant has committed rape upon her. The applicant was named only on the basis of hearsay evidence, which was told by the villagers. The victim was declared hostile by the prosecution. Considering the statement of PW1-victim, I am of the view of that the second bail application deserves to be allowed. Therefore, the bail application is allowed.

Let the applicant-accused be released on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 16.11.2005

LSR